

REMARKS

Claims 1-18 are pending in the present application after entry of the present amendment. Claim 6 has been amended to be in independent form. Claims 1-5 and 7-14 have been withdrawn from consideration as directed to a non-elected invention. New claims 15-18 have been added.

The amendments to the claims are supported by the application as originally filed, do not add new matter, and are otherwise proper. Support for the amendments to the claims can be found throughout the application as originally file, including page 21, lines 7-12 of the specification. Applicants respectfully request entry of this Amendment in its entirety. In view of the above amendment and following remarks, applicants respectfully request reconsideration of the claims and submit that the application is in condition for allowance.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, are presented, with an appropriate defined status identifier.

I. Specification

The Examiner noted in the Office Action that the word "invention" was misspelled at page 4, line 26 of the specification. Applicants would like to thank the Examiner for her attention to detail. Applicants have corrected the misspelling and respectfully request the Examiner withdraw this objection.

II. Claim Objection

Claim 6 was objected in the Office Action "as dependent upon a claim withdrawn from further consideration." Applicants have rewritten claim 6 in independent format as suggested by the Examiner and respectfully request the Examiner withdraw this objection.

III. Claim Rejection – 35 U.S.C. §102

In the Office Action, claim 6 was rejected “as being anticipated by Ho. *et al.* (The Journal of Biological Chemistry, V. 270, N. 34, pp. 19898-19907 (1995)).” The Office Action alleged that “Ho *et al.* teach a method comprising contacting a polypeptide comprising SEQ ID NO:2 (Fig. 1 and see copy of sequence alignment) and detecting the binding activity of the polypeptide with calcineurin in the presence and absence of FK 506, an inhibitor of the interaction between calcineurin and NFATc3 (Fig. 8; p. 19899, col. 1, lines 1-5; and p. 19905, col. 2, lines 1-6). Thus all of the elements of claim 6 are taught by Ho *et al.*”

However, Ho *et al.* cannot anticipate claim 6 because they fail to teach every element of the claimed invention. Specifically, Ho *et al.* fail to teach or suggest contacting calcineurin with one of the specified polypeptides. Ho *et al.* only teach using the naturally occurring full length murine NFATc3. In contrast, none of the peptides set forth in claim 6 encompass the naturally occurring full length murine NFATc3 peptide discussed in Ho *et al.* Claim 6 recites peptides that are considerably shorter in length than naturally occurring murine NFATc3, have substitutions, deletions, modifications and/or are fusion polypeptides.

Additionally, Ho *et al.* do not disclose any binding between NFATc3 and calcineurin. In contrast, claim 6 specifies that the polypeptide has calcineurin binding activity and recites “detecting the binding activity of the polypeptide to Calcineurin[.]” Figure 8 of Ho *et al.*, cited in the Office Action, purports to show that FK 506 inhibits post-translational modification of NFATc3 caused by ionomycin and/or PMA. However, Ho *et al.* fail to provide any evidence of binding between NFATc3 and calcineurin. Moreover, Ho *et al.* do not teach which region of NFATc3 is responsible for binding to calcineurin. Accordingly, Ho *et al.* do not teach or suggest detecting binding between any polypeptide and calcineurin and cannot anticipate claim 6. Therefore, applicants respectfully request the Examiner withdraw the rejection.

CONCLUSION

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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